

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): AWASTHI	Conf. No.: 4696
Application No.: 10/674,637	Art Unit: 2617
Filed: 30 Sep 2003	Examiner: CONTEE, JOY KIMBERLY
Title: SYSTEM AND METHOD FOR RECONNECTING DROPPED CELLULAR PHONE CALLS	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION SUBMITTED UNDER 37 C.F.R. § 1.131

I, Thomas J. ONKA, declare as follows:

1. I am a patent attorney formerly associated with the law firm of Synnvestedt, Lechner & Woodbridge, L.L.P. (formerly known as Woodbridge and Associates P.C.) and was responsible for drafting the above-identified patent application.

2. I was diligent in the preparation and filing of the above-identified patent application during the critical period from prior to August 27, 2003, to the constructive reduction to practice date of September 30, 2003. Specific evidence of reasonable diligence during the critical period is presented below.

3. During the period from prior to August 27, 2003 to September 30, 2003, I worked diligently on drafting and revising the patent application. The application was taken up

in chronological order of a backlog of unrelated cases considering their respective due dates.

4. An initial draft of the patent application was provided by a facsimile sent by Woodbridge and Associates P.C. to inventor Nikhil Awasthi on September 16, 2003. Exhibit A is a copy of the facsimile transmittal sheet evidencing that a document containing the draft application was sent to Mr. Awasthi. A transmission report printed at the top of Exhibit A indicates that a 12 page facsimile was sent on September 16, 2003.

5. A revised draft of the patent application was provided by a facsimile sent by Woodbridge and Associates P.C. to inventor Nikhil Awasthi on September 23, 2003. Exhibit B is a copy of the facsimile transmittal sheet evidencing that a document containing the draft application was sent to Mr. Awasthi. A transmission report printed at the top of Exhibit B indicates that a 12 page facsimile was sent on September 23, 2003.

6. The inventors provided feedback to me regarding the revised draft patent application on September 25, 2003. Exhibit C is a copy of an e-mail sent by Mr. Awasthi to me which provides HTML links to technical information which could be associated with the patent application.


7. I sent an e-mail on September 26, 2003, to Paul Gardon, an in-house attorney employed by Avaya at the time, regarding the status of the several patent applications.

Reply to Office Action dated February 9, 2007

Exhibit D is a copy of the e-mail indicating the above-identified patent application was complete as far as the inventors were concerned, and requesting that Mr. Gardon review the application.

8. A final draft of the patent application was provided by a facsimile sent by Woodbridge and Associates P.C. to attorney Paul Gardon on September 26, 2003. Exhibit E is a copy of the facsimile transmittal sheet evidencing that a document containing the draft application was sent to Mr. Gardon. A transmission report printed at the top of Exhibit A indicates that a 12 page facsimile was sent on September 26, 2003.

9. I hereby declare that all statements made herein of my own knowledge are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Thomas J. ONKA

5/29/07

Date

EXHIBIT A

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 2250
CONNECTION TEL 17328521486
SUBADDRESS
CONNECTION ID
ST. TIME 09/16 09:34
USAGE T 03'15
PGS. 12
RESULT OK

WOODBRIDGE & ASSOCIATES, P.C.

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Stanis H. Nissim*
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Counsel
Dennis J. Helms

Patent Agent
Roy Rosser, Ph.D.

FACSIMILE TRANSMITTAL

TO: NIRKIL ASWATHI TELEPHONE: 732 852-2028
COMPANY: AVAYA FACSIMILE: 732 852-1486
FROM: Tom Onka PAGES (INCLUDING COVER): 12
RE: PATENT APPLICATION
OUR REF.: 5330-147
YOUR REF.: _____

EXHIBIT B

TX REPORT

TRANSMISSION OK

TX/RX NO	2295
CONNECTION TEL	17328522028
SUBADDRESS	
CONNECTION ID	
ST. TIME	09/23 15:11
USAGE T	04'52
PGS.	12
RESULT	OK

WOODBRIDGE & ASSOCIATES, P. C.

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Counsel
Dennis J. Helms

Patent Agent
Roy Rosser, Ph.D.

FACSIMILE TRANSMITTAL

TO: NIAKIE ASWATHITELPHONE: 732 852-2028COMPANY: AVAYAFACSIMILE: 732 852-1486FROM: Tom OnkaPAGES (INCLUDING COVER): 12RE: PATENT APPLICATIONOUR REF.: 5330-147

YOUR REF.: _____

EXHIBIT C

Thomas J. Onka

From: Awasthi, Nikhil (Nikhil)
Sent: Thursday, September 25, 2003 11:49 AM
To: Thomas J. Onka
Subject: RE: Patenting FMA Features

Hi Tom,
I could not find any additional information of Digital Hot Desk (European Product).

I could find some information on UCC and Speech Access solution. This information is publicly available at www.avaya.com.

Product Information (UCC)
<http://www.avaya.com/ac/common/index.jhtml?location=M1H1005G1012F2055P3131N4905>

Product documentation: (UCC and Speech Access)
<http://support.avaya.com/japple/css/japple?PAGE=avaya.css.CSSLv1&temp.groupID=139233>

Hope it helps.
Thanks,
Nikhil

EXHIBIT D

Thomas J. Onka

From: Thomas J. Onka
Sent: Friday, September 26, 2003 9:48
To: 'pgardon@avaya.com'
Subject: status of 3 applications

Paul,

Been trying to call you for a couple of days now. In the next hour I will be faxing to you 2 of the 3 applications. These 2 are completed as far as I and the inventors are concerned. Let me know if you require any changes to them. There is a minor problem in locating/obtaining the signed Decl. & Assignment forms from one inventor in England who no longer works for Avaya. At worst we will file the application with unsigned forms -- let me know if you have any problem with that.

The third application (502072A-01-US) you wanted filed by 9/30 is almost done. 3 of the 4 inventors have approved the draft I sent them with only minor changes. I have yet to hear from the 4th inventor (in Denver) -- I will be calling him shortly.

I will be leaving the office today around 12:30pm (Parents' Weekend at Boston College). Please give me a call prior to then (or on Monday) should you want to discuss any of the above.

Tom

9/26/2003

EXHIBIT E

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2315	
CONNECTION TEL		17328521143
SUBADDRESS		
CONNECTION ID		
ST. TIME	09/28	09:57
USAGE T	03'44	
PGS.	14	
RESULT	OK	

WOODBIDGE & ASSOCIATES, P. C.

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Counsel
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Patent Agent
Roy Rosser, Ph.D.

FACSIMILE TRANSMITTAL

TO: PAUL GARDON TELEPHONE: _____

COMPANY: ADVA FACSIMILE: 732 852-1143

FROM: TOM ONKA PAGES (INCLUDING COVER): 14

RE: PATENT APPLICATION

OUR REF.: 5330-147

YOUR REF.: ~~5330~~ 502064-A-01 US (AWA)H1

PLEASE NOTE — DID NOT INCLUDE
APPENDIX